

Union Calendar No. 502

106TH CONGRESS
2^D SESSION

H. R. 2752

[Report No. 106-847]

To give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. GIBBONS introduced the following bill; which was referred to the
Committee on Resources

SEPTEMBER 14, 2000

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 5, 1999]

A BILL

To give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Lincoln County Land*
3 *Act of 2000”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) *FINDINGS.*—*Congress finds that—*

6 (1) *Lincoln County, Nevada, encompasses an*
7 *area of 10,132 square miles of the State of Nevada;*

8 (2) *approximately 98 percent of the County is*
9 *owned by the Federal Government;*

10 (3) *the city of Mesquite, Nevada, needs land for*
11 *an organized approach for expansion to the north;*

12 (4) *citizens of the County would benefit through*
13 *enhanced county services and schools from the in-*
14 *creased private property tax base due to commercial*
15 *and residential development;*

16 (5) *the County would see improvement to the*
17 *budget for the county and school services through the*
18 *immediate distribution of sale receipts from the Sec-*
19 *retary selling land through a competitive bidding*
20 *process;*

21 (6) *a cooperative approach among the Bureau of*
22 *Land Management, the County, the City, and other*
23 *local government entities will ensure continuing com-*
24 *munication between those entities;*

25 (7) *the Federal Government will be fairly com-*
26 *pensated for the sale of public land; and*

1 (8) *the proposed Caliente Management Frame-*
2 *work Amendment and Environmental Impact State-*
3 *ment for the Management of Desert Tortoise Habitat*
4 *Plan identify specific public land as being suitable*
5 *for disposal.*

6 (b) *PURPOSES.—The purposes of this Act are—*

7 (1) *to provide for the orderly disposal of certain*
8 *public land in the County; and*

9 (2) *to provide for the acquisition of environ-*
10 *mentally sensitive land in the State of Nevada.*

11 **SEC. 3. DEFINITIONS.**

12 *In this Act:*

13 (1) *CITY.—The term “City” means the city of*
14 *Mesquite, Nevada.*

15 (2) *COUNTY.—The term “County” means Lin-*
16 *coln County, Nevada.*

17 (3) *SECRETARY.—The term “Secretary” means*
18 *the Secretary of the Interior.*

19 (4) *SPECIAL ACCOUNT.—The term “special ac-*
20 *count” means the account in the Treasury of the*
21 *United States established under section 5.*

22 **SEC. 4. DISPOSAL OF LAND.**

23 (a) *DISPOSAL.—*

24 (1) *IN GENERAL.—As soon as practicable after*
25 *the date of enactment of this Act, notwithstanding the*

1 *land use planning and land sale requirements con-*
 2 *tained in sections 202 and 203 of the Federal Land*
 3 *Policy and Management Act of 1976 (43 U.S.C. 1711,*
 4 *1712), the Secretary, in cooperation with the County*
 5 *and the City, in accordance with this Act, the Federal*
 6 *Land Policy and Management Act of 1976 (43 U.S.C.*
 7 *1701 et seq.), and other applicable law, and subject*
 8 *to valid existing rights, shall dispose of the land de-*
 9 *scribed in subsection (b) in a competitive bidding*
 10 *process, at a minimum, for fair market value.*

11 (2) *TIMING.—The Secretary shall dispose of—*

12 (A) *the land described in subsection*
 13 (b)(1)(A) *not later than 1 year after the date of*
 14 *enactment of this Act; and*

15 (B) *the land described in subsection*
 16 (b)(1)(B) *not later than 5 years after the date of*
 17 *enactment of this Act.*

18 (b) *LAND DESCRIPTION.—*

19 (1) *IN GENERAL.—The land referred to in sub-*
 20 *section (a) is the land depicted on the map entitled*
 21 *“Public Lands Identified for Disposal in Lincoln*
 22 *County, Nevada” and dated July 24, 2000, consisting*
 23 *of—*

1 (A) the land identified on the map for dis-
 2 posal within 1 year, comprising approximately
 3 4,817 acres; and

4 (B) the land identified on the map for dis-
 5 posal within 5 years, comprising approximately
 6 8,683 acres.

7 (2) *MAP.*—The map described in paragraph (1)
 8 shall be available for public inspection in the Ely
 9 Field Office of the Bureau of Land Management.

10 (c) *SEGREGATION.*—Subject to valid existing rights,
 11 the land described in subsection (b) is segregated from all
 12 forms of entry and appropriation (except for competitive
 13 sale) under the public land laws, including the mining
 14 laws, and from operation of the mineral leasing and geo-
 15 thermal leasing laws.

16 (d) *COMPLIANCE WITH LOCAL PLANNING AND ZON-*
 17 *ING.*—The Secretary shall ensure that qualified bidders in-
 18 tend to comply with—

19 (1) County and City zoning ordinances; and

20 (2) any master plan for the area developed and
 21 approved by the County and City.

22 **SEC. 5. DISPOSITION OF PROCEEDS.**

23 (a) *LAND SALES.*—Of the gross proceeds of sales of
 24 land under this Act in a fiscal year—

1 (1) 5 percent shall be paid directly to the State
2 of Nevada for use in the general education program
3 of the State;

4 (2) 10 percent shall be returned to the County
5 for use as determined through normal county budg-
6 eting procedures, with emphasis given to support of
7 schools, of which no amount may be used in support
8 of litigation against the Federal Government; and

9 (3) the remainder shall be deposited in a special
10 account in the Treasury of the United States (referred
11 to in this section as the “special account”) for use as
12 provided in subsection (b).

13 (b) AVAILABILITY OF SPECIAL ACCOUNT.—

14 (1) IN GENERAL.—Amounts in the special ac-
15 count (including amounts earned as interest under
16 paragraph (3)) shall be available to the Secretary of
17 the Interior, without further Act of appropriation,
18 and shall remain available until expended, for—

19 (A) inventory, evaluation, protection, and
20 management of unique archaeological resources
21 (as defined in section 3 of the Archaeological Re-
22 sources Protection Act of 1979 (16 U.S.C.
23 470bb)) in the County;

24 (B) development of a multispecies habitat
25 conservation plan in the County;

1 (C)(i) reimbursement of costs incurred by
2 the Nevada State Office and the Ely Field Office
3 of the Bureau of Land Management in preparing
4 sales under this Act, or other authorized land
5 sales within the County, including the costs of
6 land boundary surveys, compliance with the Na-
7 tional Environmental Policy Act of 1969 (42
8 U.S.C. 4321 *et seq.*), appraisals, environmental
9 and cultural clearances, and any public notice;
10 and

11 (ii) processing public land use authoriza-
12 tions and rights-of-way stemming from develop-
13 ment of the conveyed land; and

14 (D) the cost of acquisition of environ-
15 mentally sensitive land or interests in such land
16 in the State of Nevada, with priority given to
17 land outside Clark County.

18 (2) ACQUISITION FROM WILLING SELLERS.—An
19 acquisition under paragraph (1)(D) shall be made
20 only from a willing seller and after consultation with
21 the State of Nevada and units of local government
22 under the jurisdiction of which the environmentally
23 sensitive land is located.

24 (c) INVESTMENT OF SPECIAL ACCOUNT.—All funds de-
25 posited as principal in the special account shall earn inter-

1 *est in the amount determined by the Secretary of the Treas-*
 2 *ury on the basis of the current average market yield on out-*
 3 *standing marketable obligations of the United States of*
 4 *comparable maturities.*

5 **SEC. 6. ACQUISITIONS.**

6 (a) *DEFINITION OF ENVIRONMENTALLY SENSITIVE*
 7 *LAND.—In this section, the term “environmentally sensitive*
 8 *land” means land or an interest in land, the acquisition*
 9 *of which by the United States would, in the judgment of*
 10 *the Secretary—*

11 (1) *promote the preservation of natural, sci-*
 12 *entific, aesthetic, historical, cultural, watershed, wild-*
 13 *life, and other values contributing to public enjoy-*
 14 *ment and biological diversity;*

15 (2) *enhance recreational opportunities and pub-*
 16 *lic access;*

17 (3) *provide the opportunity to achieve better*
 18 *management of public land through consolidation of*
 19 *Federal ownership; or*

20 (4) *otherwise serve the public interest.*

21 (b) *ACQUISITIONS.—*

22 (1) *IN GENERAL.—After the consultation process*
 23 *has been completed in accordance with subsection (c),*
 24 *the Secretary may acquire with the proceeds of the*
 25 *special account environmentally sensitive land and*

1 *interests in environmentally sensitive land. Land*
2 *may not be acquired under this section without the*
3 *consent of the landowner.*

4 (2) *USE OF OTHER FUNDS.—Funds made avail-*
5 *able from the special account may be used with any*
6 *other funds made available under any other provision*
7 *of law.*

8 (c) *CONSULTATION.—Before initiating efforts to ac-*
9 *quire land under this subsection, the Secretary shall consult*
10 *with the State of Nevada and with local government within*
11 *whose jurisdiction the land is located, including appro-*
12 *priate planning and regulatory agencies, and with other*
13 *interested persons, concerning the necessity of making the*
14 *acquisition, the potential impacts on State and local gov-*
15 *ernment, and other appropriate aspects of the acquisition.*

16 (d) *ADMINISTRATION.—On acceptance of title by the*
17 *United States, land and interests in land acquired under*
18 *this section that is within the boundaries of a unit of the*
19 *National Wild and Scenic Rivers System, National Trails*
20 *System, National Wilderness Preservation System, any*
21 *other system established by Act of Congress, or any national*
22 *conservation or national recreation area established by Act*
23 *of Congress—*

24 (1) *shall become part of the unit or area without*
25 *further action by the Secretary; and*

1 (2) *shall be managed in accordance with all laws*
2 *and regulations and land use plans applicable to the*
3 *unit or area.*

Amend the title so as to read: “A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process.”.

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